

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/18/2011 has been entered.

Response to Amendment

Response to amendment filed by applicant 02/18/2011. Applicant has amended claims 1, 4, 7-9, 11, 19, 20 and 24. Claim 6 was previously canceled. Claims 2, 3, 10, 28, 29, 31 and 32 are currently canceled. Claims 1, 4, 5, 7-9, 11-27 and 30 are pending.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 5 and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim is not to a process, machine, manufacture, or composition of matter. In the state of the art, transitory signals are commonplace as a medium for transmitting computer instructions and thus, in the absence of any evidence to the contrary and given a

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broadest reasonable interpretation, the scope of "A computer readable storage medium" covers a signal per se. A transitory signal does not fall within the definition of a process, machine, manufacture, or composition of matters.

The examiner suggests amending the claim to read "A computer program product having a non-transitory computer readable storage medium..." or equivalent in order to make the claim statutory to overcome the 35 USC § 101 rejections. The Applicant is directed to Official Gazette Notice 1351 OG 212, February 23, 2010.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 9, 11-16, 18, and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindqvist et al (US 2003/0088778) in view of Corts et al (US 2002/0141491).

Regarding claim 9, Lindqvist discloses a method of operating a terminal for receiving datacast services, the method comprising receiving electronic service guide (ESG) data relating to one or more services and selectively receiving, from a datacast operator, prior to receiving the electronic service guide

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data, supplementary data which is specific to the area served (Lindqvist, ¶ 0096 “The terminal offerings module may associate with each listed distribution (area served) the unique identifier relating to that distribution”) by the datacast operator (Lindqvist, fig. 8, ¶ 0088 , ¶ 0096, a listing could be referred to as an electronic service guide (ESG) and user may select items from this schedule for viewing, download, or the like according to receiving supplementary data supplied by datacast operator).

However, Lindqvist does not teach supplementary data which is specific to the geographic area served. Corts teaches supplementary data which is specific to the geographic area served (Corts, ¶0048 “supplemental digital data can be classified as traffic data and be identified as a particular provider of traffic data for a particular geographical region and can thus be associated with data schedules for all broadcast facilities broadcasting that traffic data for that region”. It would have been obvious to one of ordinary skill in the art at time the invention was made to apply the teaching of Corts to the system of Lindqvist in order to provide the ability to broadcast datacast elements that are designed as specific enhancements to the advertisement (Corts, ¶0335).

Regarding claim 11, Lindqvist in view of Corts discloses a method according to claim 9. Lindqvist further discloses comprising using said supplementary data to locate said electronic service guide data (Lindqvist, ¶ 0119, a user could navigate such a tree to find leaves corresponding to items

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(e.g., programs, services, and/or the like) of interest according to supplementary data to locate ESG data).

Regarding claim 12, Lindqvist in view of Corts discloses a method according to claim 9. Lindqvist further discloses receiving a main page including at least some of said supplementary data (Lindqvist, ¶ 0096, the unique identifier and scheduling information is listed on the ESG main page, which is the page that contains the listing of the services).

Regarding claim 13, Lindqvist in view of Corts discloses a method according to claim 12. Lindqvist further discloses providing one or more data files including information for locating said main page (Lindqvist, ¶ 0049, scheduled files, carouseled files, and instant files; the carouseled files will locate the ESG service to display the items on the carousel).

Regarding claim 14, Lindqvist in view of Corts discloses a method according to claim 13. Lindqvist further discloses wherein said one or more data files include information for locating at least one service main page (Lindqvist, ¶ 0049, A session can consist of one or many items of a services (e.g., scheduled files, carouseled files, and instant files; as stated, the services are located on the ESG, corresponding to a service main page).

Regarding claim 15, Lindqvist in view of Corts discloses a method according to claim 9. Lindqvist further discloses further comprising receiving datacast data via a first network, receiving other data from a second, different network and displaying said supplementary data of said datacast data and said

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other data (Lindqvist, fig. 8, ¶ 0088 each network area contains a broker module that receives messages from both a global caster module and the local caster module corresponding to that area).

Regarding claim 16, Lindqvist in view of Corts discloses a method according to claim 9. Lindqvist further discloses comprising displaying said supplementary data and a list of services and selecting one (Lindqvist, ¶ 0096 the service offerings are listed for user selection) or more services.

Claim 18 is the computer program to execute the method of claim 9 and is analyzed and rejected accordingly.

Claim 26, Lindqvist in view of Corts discloses a method according to claim 15, Lindqvist further discloses further comprising receiving datacast data via a first network, receiving other data from a second, different network and displaying said supplementary data of said datacast data and said other data (Lindqvist, fig. 8, ¶ 0088 each network area contains a broker module that receives messages from both a global caster module and the local caster module corresponding to that area. ¶ 0089, the metadata is then transmitted via the network for display to the user).

4. **Claims 1, 4, 5, 7, 8, 19-23, 25, 27 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindqvist et al (US 2003/0088778) in view of Corts et al (US 2002/0141491) in view of Yoshii et al (US-2003/0105809).

Regarding claim 1, Lindqvist discloses a method of operating a datacast service system, comprising: providing electronic service guide data relating to one (Lindqvist, fig. 8, ¶ 0096) or more services; and selectively providing by a datacast operator (Lindqvist, fig. 8, ¶ 0096).

providing one or more data files including information (Lindqvist, ¶ 0049, scheduled files, carouseled files, and instant files; the carouseled files will locate the ESG service to display the items on the carousel) of the datacast operator, including at least some of said supplementary data (Lindqvist, ¶ 0096, the unique identifier and scheduling information is listed on the ESG, which is the page that contains the listing of the services).

However, Lindqvist does not teach supplementary data that is specific to the geographic area served and information for locating a main page operator, the main page including at least some of said supplementary data.

Corts teaches supplementary data which is specific to the geographic area served (Corts, ¶0048 “supplemental digital data can be classified as traffic data and be identified as a particular provider of traffic data for a particular geographical region and can thus be associated with data schedules for all broadcast facilities broadcasting that traffic data for that region”). It would have been obvious to one of ordinary skill in the art at time the invention was made to apply the teaching of Corts to the system of Lindqvist in order to provide the ability to broadcast datacast elements that are designed as specific enhancements to the advertisement (Corts, ¶0335).

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Lindqvist in view of Corts does not disclose information for locating a main page operator, the main page including at least some of said supplementary data.

Yoshii discloses information for locating a main page operator, the main page including at least some of said supplementary data (Yoshii, figs. 15, 16, 53 and 54, "main page 600 and 1000", ¶ 0380). It would have been obvious to one of ordinary skill in the art at time the invention was made to combine the teaching of Yoshii to the system of Lindqvist in view of Corts in order to provide the ability to broadcast datacast elements that are designed as specific enhancements to the advertisement.

Regarding claim 4, Lindqvist in view of Corts in view of Yoshii discloses a method according to claim 1, Lindqvist further discloses wherein said one or more data files include information for locating at least one service main page (Lindqvist, ¶ 0049, A session can consist of one or many items of a services (e.g., scheduled files, carouseled files, and instant files; as stated, the services are located on the ESG, corresponding to a service main page)).

Claim 5 is the computer program to execute the steps of any of claims 1 and 4, and is analyzed and rejected accordingly.

Claim 7 is the apparatus to execute the steps of claim 1 and is analyzed and rejected accordingly wherein the supplementary data includes data for the datacast operator. Yoshii further discloses wherein the supplementary data includes data for identifying (Yoshii, ¶ 0137, ¶ 0147).

It would have been obvious to one of ordinary skill in the art at time the invention was made to combine the teaching of Yoshii to the system of Lindqvist in view of Corts in order to provide the ability to broadcast datacast elements that are designed as specific enhancements to the advertisement.

Claim 8 is the processor configured to execute the steps of claim 7, and is analyzed and rejected accordingly. The system of Lindqvist inherently is run by a processor (Lindqvist, p. 15, claim 34, and fig. 14 “processor”).

Claim 19 is analyzed and rejected on the same grounds as claim 8.

Claim 20 is analyzed and rejected on the same grounds as claim 19. A user inherently uses a terminal to receive the ESG data.

Regarding claim 21, Lindqvist in view of Corts in view of Yoshii discloses a method according to claim 20. Lindqvist further discloses comprising means for receiving datacast transmissions and means for communicating with public land mobile network (Lindqvist, ¶ 0162-¶ 0166, cellular phone, PDA).

Claim 22 is analyzed and rejected according to claim 1. The supplementary data provided is provided by the datacast operator (as claim 1).

Claim 23 is analyzed and rejected according to claim 1.

Claim 25 is analyzed and rejected according to claims 9 and 1.

Regarding claim 27, Lindqvist in view of Corts in view of Yoshii discloses a method according to claim 1, wherein the supplementary data includes data for

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the datacast operator. Yoshii further discloses wherein the supplementary data includes data for identifying (Yoshii, ¶ 0137, ¶ 0147).

It would have been obvious to one of ordinary skill in the art at time the invention was made to combine the teaching of Yoshii to the system of Lindqvist in view of Corts in order to provide the ability to broadcast datacast elements that are designed as specific enhancements to the advertisement.

Claim 30 is analyzed and rejected according to claim 27.

5. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lindqvist in view of Corts in view of Dale et al, (US 2004/0022307).

Regarding claim 17, Lindqvist in view of Corts discloses a method according to claim 9, however fails to disclose intermittently switching on a receiver to receive one or more time-sliced bursts of data and switching off said receiver. Dale discloses generating a power on/off control signal at a receiver when a data burst is detected (Dale, ¶ 0091). It would have been obvious to one of ordinary skill in the art at time the invention was made to apply the teaching of Dale of cycling power at a receiver to the system of Lindqvist in view of Corts that receives data in the form of an ESG, in order to save power when there is no incoming data on a device such as a cell-phone with limited power as is used in the system of Lindqvist (¶ 0162-¶ 0166, cellular phone, PDA).

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6. **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lindqvist et al (US 2003/0088778) in view of Corts et al (US 2002/0141491) in view of Yoshii et al (US-2003/0105809) in view of Urdang, (US 2004/0078811).

Regarding claim 24, Lindqvist in view of Corts in view of Yoshii discloses a method according to claim 22, however fails to disclose wherein said supplementary data is received before said electronic service guide data. In an analogous art, Urdang disclose a method of distributing electronic program guide data. In paragraph ¶ 0022, Urdang discloses that a program identification code is used to locate the corresponding EPG data (corresponding to ESG data). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Urdang of locating corresponding EPG data when the program is presented in order to create in real time a metadata file associated with the TV program (Urdang, paragraph ¶ 0022).

Response to Arguments

Applicant's arguments with respect to claims 1, 4, 5, 7-9, 11-27 and 30 have been considered but they are not persuasive.

Regarding claims 1, 4, 5, 22, 23 and 27, applicant argues that Lindqvist does not teach locating a main page of the datacast operator. Examiner disagrees. Lindqvist in view of Corts in view of Yoshii discloses information for locating a main page operator, the main page including at least some of said supplementary data (Yoshii, figs. 15, 16, 53 and 54, "main page 600 and 1000", ¶ 0380).

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Regarding claims 7, 8, 19 and 20, applicant argues that Lindqvist in view of Corts does not teach wherein the supplementary data includes data for the identifying datacast operator. Examiner disagrees. Lindqvist in view of Corts in view of Yoshii discloses the apparatus to execute the steps of claim 1 and is analyzed and rejected accordingly wherein the supplementary data includes data for the datacast operator. Yoshii further discloses wherein the supplementary data includes data for identifying (Yoshii, ¶ 0137, ¶ 0147).

Conclusion

7. **Claims 1, 4, 5, 7-9, 11-27 and 30** are rejected.

Correspondence Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AN NGUYEN whose telephone number is (571)270-5676. The examiner can normally be reached on Mon-Fri: 8:00 AM-5:30 PM; off alternative Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph P. Hirl can be reached on 571-272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/AN/

/JOSEPH P. HIRL/

Supervisory Patent Examiner, Art Unit 2426

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